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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,081	09/30/2003	Jeyhan Karaoguz	14306US02	5083
23446	7590	08/20/2008		EXAMINER
MCANDREWS HELD & MALLEY, LTD				RYAN, PATRICK A
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400				2623
CHICAGO, IL 60661				
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		08/20/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,081	<b>Applicant(s)</b> KARAOGUZ ET AL.
	<b>Examiner</b> PATRICK A. RYAN	<b>Art Unit</b> 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 July 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is made in response to RCE-Reply to Final Office Action of April 16, 2008 ("Reply"), filed July 16, 2008. Applicant has amended Claims 1, 11, and 21; no claims have been added; and no claims have been canceled. As amended, Claims 1 through 31 are presented for examination.

***Miscellaneous***

2. Applicant is advised that the Examiner of record for this application has changed.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 16, 2008 has been entered.

***Response to Arguments***

4. Applicant's arguments, see Reply Pages 13-16, filed July 16, 2008, with respect to the rejection(s) of claim(s) 1, 11, and 21 under 35 USC 102(b) as being anticipated by Walker et al, United States Patent Application Publication (2001/0018771) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Shoff et al., United States Patent (6,240,555 B1) (of Record).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 through 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent Application Publication 2001/0018771) in view of Shoff et al., (United States Patent 6,240,555 B1).

7. With respect to Claim 1, the claimed "delivering the broadcast television program along with at least one synchronized functionality associated with the broadcast television program, the broadcast television program and said at least one synchronized functionality for display on a television screen within a home" is met by Walker et al. that teach a system in which broadcast television programs are delivered to a television receiver 30 which displays the received content to a viewer 80, along with supplemental information synchronized with the events occurring within a particular video program, on an integrated display (*Figs. 1 & 2; and paragraph [0020], [0030], [0040], [0042], [0055]*).

The claimed "receiving an input from a user that selects at least a portion of said at least one synchronized functionality associated with at least a portion of the broadcast television program, during said delivery; and in response to said received

input, performs at least a portion of said at least one synchronized functionality associated with said at least a portion of the broadcast television program, at least in part outside said home" is met by Walker et al. that teach a system in which a viewer **80** provides specific data (program identification information **33** & synchronization information **32**) to a web site server **70**, the server uses this data to access the pertinent supplemental data and thereby sends it to the requesting viewer (*Fig.1&3; paragraphs [0018], [0051], [0055], [0061], & [0064]*).

Walker et al. does not explicitly teach the claimed and amended limitation "said at least one synchronized functionality comprising at least one user-selectable option" and "wherein said at least one synchronized functionality originates from the same location as the broadcast television program".

In a similar field of invention, Shoff et al. teach a method of providing an interactive entertainment system that enables the presentation of supplemental interactive content along side traditional broadcast video programming. Shoff further teaches that supplemental content is supplied as part of the same program signal over the broadcast network (*with reference to Interactive Entertainment System **20** of Fig. 2 showing Video Programs **40** and Supplemental Content **54** both originating from the Centralized Headend **22**; as described in Col. 4 Lines 14-61 with further reference to Col. 3 Lines 4-13, Col. 5 Lines 12-60, and Col. 10 Lines 18-33*). In addition, Shoff discloses that the interactive data can contain various control options to the viewer in order to invite interactive involvement with the program (*as described in Col. 10 Line 59- Col. 11 Line 11; with further reference to Fig. 8b*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of synchronizing the supplemental content with video programming, as taught by Walker, with the method of delivering synchronized content with video programming from the same location, as taught by Shoff, in order to give the content providers more control over how the television program and the interactive supplemental content are presented to the viewer (as Shoff discloses in Col. 2 Lines 39-50).

With respect to Claim 2 the combination of Walker and Shoff teach the claimed "associating said at least one synchronized functionality with the broadcast television program" is met by Walker et al. that teach the use of program identification information 33 in distinguishing the video program being currently viewed from those that are also being broadcasted (*Fig.2; paragraph [0045]*).

With respect to Claim 3, the combination of Walker and Shoff teach the claimed "notifying said user of said at least one synchronized functionality corresponding to the broadcast television program" is met by Walker et al. that teach the use of a event database 56a, within a display device 50, to display to a viewer the supplemental information available for the program being viewed and additionally the use of pop up windows, menu choices, dialog boxes, etc. for the selection of some supplemental information (*Fig.5; paragraphs [0054], [0062] & [0072]*).

With respect to Claim 4, the combination of Walker and Shoff teach the claimed "broadcasting an indication of said at least one synchronized functionality along with the broadcast television program" is met by Walker et al. that teach the notification of

available supplemental information by way of pop windows, menu choices, dialog boxes, etc. on a display **63** (*Fig.3; paragraph [0072]*).

With respect to Claim 5, the combination of Walker and Shoff teach the claimed "wherein said input is a code representative of said function" is met by Walker et al. that teach the use of specific numbers (program ID info **33** & synchronization info **32**) in obtaining supplemental information associated with a particular scene in a video program (*Fig.2, paragraph [0045]*).

With respect to Claim 6, the combination of Walker and Shoff teach the claimed "wherein said input is generated from at least one of a remote control, a keyboard, a scanning device and an audio processing device" is met by Walker et al. that teach the use of an input device **62** (such as a keyboard, mouse, joystick, trackballs, remote control, video cameras, or speech recognition devices) in inputting data for the retrieval of supplemental data (*Fig.3; paragraph [0061]*).

With respect to Claim 7, the combination of Walker and Shoff teach the claimed "generating supplemental information related to the broadcast television program in response to said received input" is met by Walker et al. that teach the retrieval of supplemental information upon data being inputted by the viewer, the data then being processed by CPU **51** of the integrated display device **50** in order to access supplemental data via a web site server **70** (*Fig.3 & 4; paragraph [0069]*).

With respect to Claim 8, the combination of Walker and Shoff teach the claimed "presenting said supplemental information to said user" is met by Walker et al. teaching

the displaying of the supplemental information on an integrated display device 50, in such a manner in which it is synchronized with the corresponding video program (*paragraphs [0055] & [0071]*).

With respect to Claim 9, the combination of Walker and Shoff teach the claimed "presenting said supplemental information to said user concurrently with said delivery of the broadcast television program" is met by Walker et al. that teach the use of an integrated display device 50 in displaying a video program and the supplemental information associated with it (*Fig.3; paragraphs [0055], [0062], & [0071]*).

With respect to Claim 10, the combination of Walker and Shoff teach the claimed "displaying information related to said performance of said at least a portion of said at least one synchronized functionality" is met by Walker et al. that teach the use of a database, simulcast event database 56a, in keeping a record of the related supplemental information available for a particular video program (*Fig.5; paragraph [0062]*).

Claim 11 is met as previously discussed with respect to Claim 1.

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 16 is met as previously discussed with respect to Claim 6.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **20** is met as previously discussed with respect to Claim **10**.

Claim **21** is met as previously discussed with respect to Claim **1**. Furthermore, Walker et al. teach the use of a processor, CPU **51**, in performing a number of functions. Among these functions, the CPU **51** takes part in delivering a broadcast television program for display on a TV, in receiving an input from a user correlating a function to a portion of the broadcast TV program, and in transmitting selected functions outside of the home in response to the users input (*Fig.3; paragraphs [0018], [0051], [0055], & [0061]*).

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **10**.

With respect to **Claim 31**, the combination of Walker and Shoff teach the claimed "wherein said at least one processor is at least one of a media processing system processor, a media management system processor, a computer processor, media exchange software processor, and a media peripheral processor" is met by Walker et al. that teach the use of a processor, CPU 51, in the integrated display device 50 (*Fig.3; paragraphs [0056]-[0059]*).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./  
Examiner, Art Unit 2623  
Friday, August 22, 2008

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623